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Advancement of women

Democratic Republic of the Congo, Micronesia (Federated States of), Palau, Timor-Leste and United States of America: draft resolution

Eliminating the use of rape and other forms of sexual violence as instruments to achieve political or military objectives

The General Assembly,

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms in accordance with the Charter of the United Nations, and guided by the purposes and principles of the Charter and the obligations imposed by human rights instruments,

Reaffirming also the obligations of States parties to the Convention on the Elimination of All Forms of Discrimination against Women,[1] the Convention on the Rights of the Child[2] and the International Convention on the Elimination of All Forms of Racial Discrimination,[3] as well as the goals, objectives and commitments of the Beijing Declaration and Platform for Action[4] and those contained in the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"[5] with respect to sexual violence and to women in armed conflict,

Recalling its previous resolutions on violence against women and violence against children and all other relevant resolutions, including Security Council resolutions 1325 (2000) of 31 October 2000 on women and Peace and Security, 1612 (2005) of 26 July 2005 on children affected by armed conflict and 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict, Commission on Human Rights resolution 2005/41 of 19 April 2005 on the elimination of violence

[1] United Nations, *Treaty Series*, vn. 1249, No. 20378.
[2] Ibid., vn. 1577, No. 27531.
[3] Ibid., vn. 660, No. 9464.
[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

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against women,[6] and Subcommission on the Promotion and Protection of Human Rights resolution 2001/20 of 16 August 2001 on systematic rape, sexual slavery and slavery-like practices,[7]

Recalling also the inclusion of rape and other forms of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[8]

Recalling further the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime or a crime against humanity,

Welcoming the initiative "Stop Rape Now: United Nations Action against Sexual Violence in Conflict",

Recognizing that violence against women is an offense against the dignity and integrity of the victim, which often inflicts serious physical and psychological harm, and that all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities,

Recognizing also that violence against women is rooted in historically unequal power relations between men and women and that discrimination on the basis of sex is contrary to the Convention on the Elimination of Discrimination against Women and other human rights instruments,

Recognizing further that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and that they are increasingly targeted as such by combatants and other armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Recognizing that rape and other forms of sexual violence to achieve military objectives are grave breaches of international humanitarian law,

Recognizing also that States bear primary responsibility for respecting and ensuring the human rights of all individuals, including their own citizens, within their territory and as provided by relevant international law,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and to provide protection to the victims, that they must exercise due diligence in preventing and investigating violence against women and girls and must punish the perpetrators and that failure to do so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

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[6] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[7] E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. II, sect. A.

[8] United Nations, *Treaty Series*, vn. 2187, No. 38544.

Strongly condemning all acts of violence against women and girls, whether these acts are perpetrated by the State or by non-State actors, calling for the elimination of all forms of gender-based violence where perpetrated or condoned by the State and stressing the need to treat all forms of violence against women and girls as a criminal offence, punishable by law,

Stressing that States must never use or condone rape or other forms of sexual violence as instruments to achieve their political or military objectives,

Recognizing that rape or any other form of sexual violence used or condoned by a State is unlawful in all circumstances, whether or not it is committed within the territory of the State or is committed in the course of an international or non-international armed conflict, regardless of the sex or age of the victim,

Noting that when rape and other forms of sexual violence are used as instruments to achieve political or military objectives they are typically committed against women and girls who are associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the government or other entity whose forces commit the crime, and that they are frequently committed under circumstances, including in detention and jails, calculated to humiliate, dominate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families,

Deeply concerned that it has been increasingly acknowledged and documented that government forces in some countries and/or forces operating under the effective control or with the expressed or tacit approval of governments have raped women and girls on numerous occasions with impunity, including in the course of attempting to achieve political or military objectives,

Deeply concerned also that in cases where rape is used as an instrument to achieve government objectives the perpetrators rarely face any form of punishment, and that on the rare occasion when punishment is imposed it is rarely proportionate to the gravity of the crime,

Determined to bring an end to the practice of using rape and other forms of sexual violence as an instrument to achieve political or military objectives,

1. *Urges* States to:

(a) Take special measures to protect women and girls from gender-based violence, in particular rape and other forms of sexual violence;

(b) End impunity by ensuring that women have equal protection under the law and equal access to justice and by investigating, prosecuting and punishing those responsible for rape and other forms of sexual violence, including when the perpetrators are members of the government's own armed forces or other forces operating under the effective control or with the expressed or tacit approval of the government;

(c) Provide victims with access to appropriate health care, including sexual and reproductive health care, psychological care and trauma counselling, as well as to rehabilitation, social integration and all other necessary remedies;

(d) Develop and implement at all levels, as required, a comprehensive and integrated strategy of prevention and prosecution of rape, in particular when the

perpetrators are members of government or government-supported forces or operating under the effective control or with the expressed or tacit approval of the government, and to ensure that such a strategy includes the training of, inter alia, all relevant government and military personnel, in particular military commanders, law enforcement officials, judicial system personnel, health workers, teachers and social workers, as well as community leaders and the news media, in all appropriate aspects of the prevention and prosecution of rape and other forms of sexual violence and of protection and support for victims of such violence;

(e) Consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women[1] and implementing the obligations contained therein, and take measures to implement fully the commitments of the Beijing Declaration and Platform for Action[4] and of the outcome document of the twenty-third special session of the General Assembly;[5]

(f) Increase significantly their voluntary financial support for activities related to the prevention and elimination of all forms of violence against women, the empowerment of women and gender equality carried out by the specialized agencies and the United Nations funds and programmes, including the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women;

2. *Calls upon* States and the United Nations system to:

(a) Monitor the progress in all parts of the world of efforts to address rape, including through the regular collection, analysis and dissemination of data, to facilitate such efforts and, in particular, to work towards overcoming the difficulties and challenges of collecting information on the practice;

(b) Integrate fully the needs of the victims of sexual violence into United Nations humanitarian assistance programmes;

3. *Urges* States, in cooperation with the private sector, non-governmental organizations and other civil society actors, as appropriate to:

(a) Conduct public education and awareness campaigns at the national and grass-roots levels in order to raise awareness about the causes and consequences of rape and other forms of sexual violence, in particular when they are used as instruments to achieve political or military objectives;

(b) Establish reception centres and shelters for victims, take other appropriate measures to promote and protect women's rights and provide protection, safe shelter, medical assistance, including sexual and reproductive health care, all necessary medications, including antiretroviral drugs and antibiotics, counselling for victims and their families, comprehensive information and education, legal aid, and rehabilitation and reintegration of victims and their offspring into society, in cooperation with State efforts towards protecting and supporting victims, maintaining due confidentiality and privacy of the victims and their families;

(c) Support programmes to eliminate rape and other forms of sexual violence, particularly the use of such violence as an instrument to achieve political or military objectives;

(d) Address the long-term consequences faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, and the effects on children born as a consequence;

4. *Invites* non-governmental organizations and other civil society actors to:

(a) Advocate at the local, national, regional and international levels against rape and other forms of sexual violence as instruments to achieve political or military objectives, including through building and strengthening networks among those who may be in a position to provide information on its occurrence, and to call attention to its adverse consequences;

(b) Increase coordination and cooperation in addressing this problem and continue to present their observations and conclusions to governments;

5. *Requests* the Secretary-General to report to the sixty-third session of the General Assembly with respect to each country in which rape or other forms of sexual violence are being used as instruments to achieve political or military objectives on the nature and extent of the problem and the steps being taken to implement the present resolution, drawing upon the contributions of, as appropriate, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, the Emergency Relief Coordinator, the special representatives of the Secretary-General in situations of conflict and post-conflict and all other relevant United Nations agencies, funds, programmes and organizations, including relevant special procedures and mechanisms.